

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed September 27, 2005. Claims 1-40 remain pending. Claim 28 has been amended. Support for the amendment is found in the specification, claims, and drawings as originally filed. No new matter has been added. Reconsideration and reexamination are respectfully requested.

Objection to the Specification

The Examiner indicated the title of the invention contains a typographical error and requested correction. However, the specification as filed contains the correctly spelled "SEPARATE", as shown in the Image File Wrapper in PAIR. It appears the typo was inserted when the data was entered into PAIR and is thus a PTO error. As the title is spelled correctly on the first page of the specification, an amendment to the specification would not appear to correct the error. Applicants will file any necessary documents or requests to have the PAIR information corrected.

Objection to the Claims

Claim 28 is objected to for dependent on itself. Claim 28 has been amended to depend from claim 27.

Rejection under 35 U.S.C. § 102(b)

Claims 1-40 are rejected as being anticipated by Smith et al. (U.S. 6,192,282). The Examiner asserts that Smith et al. disclose the same invention as claimed, where exiting modes are being interpreted as being implicitly taught by Smith et al. For example turning off the controller would be "exiting the schedule review mode." Applicants respectfully traverse the rejection.

Independent claim 1 is a method claim, which recites:

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

1. (Original) A method of accessing a schedule on a controller coupled to a user interface, comprising the steps of:
 - initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule;
 - displaying one or more schedule parameters for at least one period on the user interface; and
 - exiting the schedule review mode.

Applicants have carefully reviewed the Smith et al. reference, in particular column 27, lines 15-27, where the Examiner asserts is taught the step of initiating a schedule review mode within the controller, the review mode permitting read-only access to at least one schedule parameter in the schedule, but no such teaching has been found. The cited passage of Smith et al. states:

The process commences at block 1151, and continues at block 1153, wherein the text parsing program receives ASCII text strings. Then in accordance with block 1155, the text parsing program parses the ASCII text string. In accordance with block 1157, if a variable is detected in the text string, control passes to blocks 1159, 1161, wherein it is determined whether the variable is a read-only or a read/write variable. If the variable is a read-only variable, control passes to block 1163, wherein the variable is expanded. If the variable is a read/write variable, control passes to block 1165, wherein the read/write operations are performed. Control then returns to block 1167, wherein the ASCII string is compared to the events associated with a particular state of the automation system.

(Smith et al., column 23, lines 15-27). As can be seen, this portion of Smith et al. appears to relate to a system that parses a received ASCII text string for variables that are either read-only or read/write, and passes control to various blocks, depending on the nature of the variable. However, this clearly does not suggest the method step of initiating a schedule review mode within the controller, the review mode permitting read-only access to at least one schedule parameter in the schedule, particularly in the context of the other steps recited in claim 1.

The Examiner also cited to column 7, line 65 and column 8, lines 1-7 as disclosing the step of displaying one or more schedule parameters for at least one period on the user interface. This portion of Smith et al. states:

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

A user interface system 15 is utilized to allow the human operator to interact with controller 13 in order to exert control over these and other building systems. For each of the building systems depicted in FIG. 1, a variety of exemplary end devices are identified, and set forth in tabular form beneath the block which identifies the particular building system. A variety of conventional interface devices are also identified with the user interface 15 block.

(Smith et al., column 7, line 65 through column 8, line 7). However, this passage clearly does not suggest the method step of displaying one or more schedule parameters for at least one period on the user interface, particularly in the context of the other steps recited in claim 1.

After reviewing the Examiner's rejections, it appears the Examiner is attempting to find words in Smith et al. that relate to each step recited in claim 1, regardless of whether there is any relationship between the passages in Smith et al., and then conclude that Smith discloses the recited combination of method steps. This is clearly improper. As noted in MPEP § 2131, in order to anticipate:

The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Notably, Smith et al. appear to be primarily directed at a building automation system that is modular in design, thus minimizing the amount of instruction necessary to affect control of a particular building system (see, Smith et al., Abstract). A problem that appears to be addressed by Smith et al. is that a variety of competing and commercially available technologies have emerged for the basic building subsystems which are susceptible to automation and control through the execution of computer programs. While this competition is generally positive, insofar as it reduces the overall costs to consumers, and provides enhanced functionality with each new generation of technology, the downside associated with the existence of numerous competitive systems is that several different technological control and communication protocols

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

have been independently developed, rendering the automation systems incompatible (see, Smith et al., column 1, lines 22-50).

Smith et al. appear to address this and other problems by, for example, providing a relatively small set of interprocess control commands that define an interprocess control protocol which is utilized in relatively high level scripts and control applications. The improved building automation system operates to translate control instructions in one particular control protocol to control instructions in a second control protocol. A text parsing program routes interprocess communication commands between modular communication programs to affect control over the automated building systems. The text parsing program includes executable instructions which allow for conditional communication of interprocess control commands depending upon system events (see, Smith et al., Abstract).

However, Smith et al. do not appear to disclose, in any detail, methods of accessing a schedule on a controller. More specifically, Smith et al. do not appear to disclose or suggest a method of accessing a schedule on a controller coupled to a user interface, comprising the steps of: initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule; displaying one or more schedule parameters for at least one period on the user interface; and exiting the schedule review mode.

In view of the foregoing, claim 1 is believed to be clearly patentable over Smith et al. If the Examiner elects to maintain this rejection, Applicants respectfully request that the Examiner specifically point out where in Smith et al. the method of claim 1 is identically disclosed, with the elements arranged as required by the claim, as required by MPEP § 2131.

Regarding claims 2-5, 13-16, and 26-29, the Examiner asserts that Smith et al. disclose a method in which the step of initiating the schedule review mode occurs prior to the step of initiating the editing mode, and refers to column 18, lines 10-27 for such disclosure. Applicants have carefully reviewed this section of Smith et al. and have found no such teaching. This section of Smith et al. states:

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

Another example concerns sprinkler scheduling. Though moisture sensors and weather stations can be interfaced to the sprinkler program through IHML scripts, the event scheduler feature of the present invention can adjust the sprinkler zones' duration and frequency if those devices are not present in the system. The average rainfall by month can be used to calculate 12 different sprinkler schedules. In some locations, a seasonal schedule may be sufficient. Use of the event scheduler in conjunction with external sensors allows the sprinkler system to become truly automatic, lending artificial intelligence properties to an otherwise limited subsystem.

The event scheduler can even be configured for specific days or dates. For example, a "Good Morning Kids" script can execute on weekdays throughout the school year, but not during scheduled vacations. At midnight on December 31st of every year, a voice announcement can bring in the new year.

As can be seen, this passage of Smith et al. appears to teach the system as being capable of being interfaced to a sprinkler program in which average rainfall by month in addition to external sensors can be used to calculate different sprinkler schedules and create a truly automatic system with artificial intelligence properties. This, however, does not appear to teach or suggest the steps of initiating a schedule review mode permitting read-only access to at least one schedule parameter prior to initiating an editing mode, as suggested by the Examiner.

In any event, for the reasons discussed above, as well as other reasons, dependent claim 2-12 are also believed to be clearly patentable over Smith et al. If the Examiner elects to maintain these rejections, Applicants respectfully request that the Examiner specifically point out where in Smith et al. the method steps of claims 2-12 are identically disclosed, with the elements arranged as required by the claims, as required by MPEP § 2131.

With respect to independent claim 13, and for reasons similar to those discussed above, Smith et al. do not appear to teach a method including the steps of providing a scheduling routine within the controller, the scheduling routine including a separate schedule review mode and editing mode. In addition, Smith et al. do not appear to disclose or suggest many of the other steps recited in claim 13.

Appl. No. 10/725,826
Response Dated December 27, 2005
Reply to Office action dated September 28, 2005

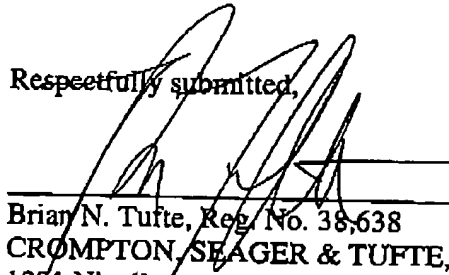
Regarding claims 25 and 39, the Examiner asserts that Smith et al. disclose a programmable controller including a user interface and a processor configured to run a scheduling routine including a separate schedule review mode and editing mode, referring again to column 18, lines 10-27 for such teaching. As stated above, this passage of Smith et al. appears to teach the system being capable of being connected to a sprinkler system and using external sensors and input rainfall information to create a truly automatic sprinkler system. Smith et al. do not, however, appear to teach a programmable controller including a processor configured to run a scheduling routine including a separate schedule review mode and editing mode, as is recited in the claims.

For at least the above reasons, Smith et al. do not appear to teach each and every element of independent claims 1, 13, 25, 39, or 40, or the claims dependent thereon. Additionally, there is no motivation for one of ordinary skill in the art to modify the teachings of Smith et al. to achieve the claimed invention. Withdrawal of the rejection is respectfully requested.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims 1-40 are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully submitted,

Dated: December 27, 2005



Brian N. Tufte, Reg. No. 38,638
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2402
Telephone: (612) 677-9050
Facsimile: (612) 359-9349